



# NATIONAL ASSOCIATION OF THE DEAF

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April 9, 1998

Ms. Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Room TW-A325  
Washington, D.C. 20554

**RECEIVED**

**APR - 9 1999**

**FCC MAIL ROOM**

Re: In the Matter of Defining Primary Lines  
CC Dkt. No. 97-181

Dear Ms. Salas:

Enclosed please find one original and four copies of Comments of the National Association of the Deaf and the Consumer Action Network in the above-captioned docket.

Sincerely,

Karen Peltz Strauss  
Legal Counsel for Telecommunications Policy  
National Association of the Deaf  
814 Thayer Avenue  
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(301) 587-1788 (v); 1789 (TTY)

Enclosures

cc: Chief, Competitive Pricing Division  
ITS

**ORIGINAL**

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

**RECEIVED**

**APR - 9 1999**

**FCC MAIL ROOM**

In the Matter of  
  
Defining Primary Lines

)  
) CC Docket No. 97-181  
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**COMMENTS OF  
THE NATIONAL ASSOCIATION OF THE DEAF**

**I. Introduction**

The National Association of the Deaf (NAD) and the Consumer Action Network (CAN) hereby submit these comments in response to the Federal Communication Commission's (FCC's or Commission's) Further Notice of Proposed Rulemaking (FNPRM) in the above captioned proceeding. The NAD is the nation's oldest and largest organization safeguarding the accessibility and civil rights of 28 million deaf and hard of hearing Americans in education, employment, health care, and telecommunications. The NAD is a private, non-profit federation of 51 state association affiliates including the District of Columbia, organizational affiliates, and direct members. The NAD seeks to promote, protect, and preserve the rights and quality of life of deaf and hard of hearing individuals in the United States. CAN is a coalition of national organizations of, by, and for deaf and hard of hearing people, that also seeks to protect and expand the rights of deaf and hard of hearing persons in education, employment, telecommunications, technology, health care, and community life.<sup>1</sup>

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<sup>1</sup> See Attachment A for a complete list of CAN membership organizations.

On March 10, 1999, the FCC released a Report and Order establishing that one residential phone line provided by a price cap local exchange carrier (LEC) per location would be considered the primary line for purposes of the subscriber line charges (SLCs) and presubscribed interexchange carrier charges (PICCs) assessed for that location. The Commission's present rule sets higher price caps for non-primary residential lines and multi-line business lines than it does for primary residential lines and single business lines. Thus, under the Commission's new rule, individuals with more than one line in their residence would be required to pay higher subscriber line charges for all lines other than their primary residential lines.

The Commission has judiciously noted that an exception to its new rule is appropriate for individuals with disabilities. We wish to applaud the Commission in recognizing the needs of individuals with disabilities in this proceeding. We welcome the Commission's discussion of this issue and appreciate the Commission's willingness to consider the impact of even this subtle rule change on people with disabilities. We offer below our comments on the various points raised in the FNPRM.

## II. Individuals with Disabilities Should Have Telecommunications Access at Primary Line Rates.

The Commission has proposed allowing a subsequent line dedicated to TTY communications to be assessed at the primary line rate, regardless of whether there is another line at that particular location for voice telephone users. The NAD and CAN wholeheartedly endorse an approach which takes into account the need for a separate line for TTY users. However, we believe that the FCC's FNPRM falls short of truly offering functionally equivalent telephone rates. Although we believe that treating TTY lines as the primary line (regardless of the existence of another line) is a first step toward providing a more level playing field, eliminating the SLC or

PICC on the second line entirely would more closely achieve equality in this regard. Moreover, we see no reason for distinguishing between residential and business lines in this regard. A TTY user is just as likely to need a second line in his or her business as in his or her residence. Similarly, we believe that elimination of the second subscriber line charges should apply whether the subscribers in question are served by (1) price cap LEC lines or (2) rate-of-return LECs, in the event that the FCC decides to extend the non-primary line rate structure to the rate of return LECs. See FNPRM ¶42.

Individuals who use TTYs are typically required to incur expenses for basic telecommunications access that far exceed those of the voice telephone user. To begin with, the purchase and maintenance costs for TTY equipment are several times in excess of what a voice telephone user must incur. Added to this are the higher long distance charges which result because of the slower speed of TTYs. As noted in the FNPRM, to avoid household (or business) confusion, many TTY users also pay for a dedicated line for their telephone communications, rather than share a line with residents or colleagues who use voice transmissions. FNPRM ¶41. Similarly, a relatively new service called two-line voice carryover (VCO) requires a subscription to and the associated fees of maintaining two telephone lines.

Two line VCO is used by individuals who have a hearing disability, but who are able to talk over the telephone. With two line VCO, the subscriber calls a telecommunications relay service (TRS), and uses his or her own voice to talk directly to the hearing party. The individual uses one line to speak; the relay operator, or communications assistant, then types back the responses of the hearing party on the second line. By talking directly to the hearing party on one line and receiving the incoming responses on the second, the consumer eliminates having to pick

up and put down the handset, and can maintain privacy during part of the conversation. As a consequence, the relay call progresses more smoothly and rapidly.<sup>2</sup>

When added together, the costs of acquiring, maintaining, and using TTYs for the above purposes can soar into the hundreds, if not thousands of dollars each year. Little has been done to reduce these costs on a nationwide scale. Although some states have equipment distribution programs which offer TTYs for free or at reduced rates, many of these states impose strict income eligibility criteria for participation in their programs. Moreover, to date, approximately half of the states do not even have equipment distribution programs. Similarly, although some carriers offer reduced long distance rates for TTY users, even these reduced rates do not compensate for the heavy costs typically associated with long distance TTY or TRS calls.

In the instant proceeding, the FCC is presented with an opportunity to eliminate some of the inequity that has resulted from a two tier telephone system - one for voice users and one for TTY/TRS users. The SLC or PICC which TTY and VCO users must incur for a second line in their residence is over and above what other subscribers must pay, for the same telephone service. There is little reason why these consumers should have to pay these charges twice.

In the FNPRM, the Commission seeks comment on the implications of 47 C.F.R. §225(d)(1)(D), which "require[s] that users of telecommunications relay services pay rates no greater than the rates paid for functionally equivalent voice communication services." FNPRM ¶44. Although the Commission may not have jurisdiction over local telephone subscriber rates (i.e., to eliminate entirely the cost of subscribing to a second local line), it does have the authority

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<sup>2</sup> The FNPRM assumes that one line in a residence may be for a voice telephone user, while another line would be for the TTY user. However, with VCO, both lines would be needed for a single individual who is deaf or hard of hearing.

to eliminate the SLC and PICC on second residential and business lines that are needed for TTY, TRS, and VCO communications. Historically, both Congress and the Commission have drawn upon the Commission's universal service obligation to achieve telephone services that are accessible, affordable, and ubiquitous. Through legislation such as the Telecommunications for the Disabled Act of 1982, the Hearing Aid Compatibility Act of 1988, and Title IV of the Americans with Disabilities Act (ADA), the FCC has persisted in its conviction that universal service cannot be achieved without addressing the needs of individuals with disabilities. It is in keeping with this universal service obligation that we urge the Commission to direct that subsidies for these subsequent subscriber line charges be appropriated from the Universal Service Fund, a fund to ensure that all Americans have access to affordable telephone service.

#### IV. Self-Certification Should be Used to Identify Eligible Subscribers

The FCC seeks input on whether self-certification would be an appropriate means to identify subscribers who will be eligible for reduced SLCs and PICCs. FNPRM ¶45. Presently, carriers in approximately twenty-five states may already have information about the location of TTY users through state programs that distribute TTYs for free or at reduced costs to their residents. Other carriers may have such information through programs that offer reduced long distance rates for TTY users. Many of these state programs simply require their residents to fill out forms that certify their hearing disability. Because this has proven to be an effective way of locating TTY users, the NAD and CAN propose that it be sufficient for consumers to submit certification – in the form of personal affidavits – confirming that they need a second line for disability access.

#### V. Subsidies for High Speed Digital Transmissions may be Appropriate in the Future

The future holds tremendous promise for new technologies tailored to achieve telecommunications access by individuals who are deaf and hard of hearing. Specifically, high speed digital transmissions will enable video telephone transmissions to take place between individuals wishing to communicate in sign language. The goal of functional equivalence, so central to Title IV of the ADA, will more readily be fulfilled with video relay services that make use of these digital technologies. While premature for this proceeding, we propose that additional subsidies for these high speed lines will one day be appropriate to achieving universal service in the future. Again, it would be appropriate for such subsidies to be drawn from the Universal Service Fund, as a means of expanding telecommunications access across the nation.

#### VI. Conclusion

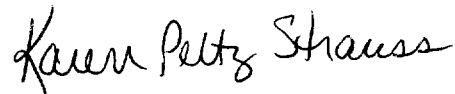
For nearly two decades, federal legislative and administrative actions, founded upon the universal service obligation, and more recently, Section 255 of the Telecommunications Act of 1996, have sought to expand telecommunications access for individuals with disabilities. The Commission now has an opportunity to relieve some of the heavy expenses associated with such access by eliminating subscriber line charges and presubscribed interexchange carrier charges on telephone lines that are separate and above the charges associated with primary lines. We urge the Commission to eliminate these duplicative charges, in the interest of achieving functionally

equivalent telephone service for individuals who are deaf and hard of hearing.

Respectfully submitted,

National Association of the Deaf  
Consumer Action Network

By counsel:

A handwritten signature in cursive script that reads "Karen Peltz Strauss".

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## **ATTACHMENT A**

### **Consumer Action Network**

#### **Members**

American Association of the Deaf-Blind  
American Athletic Association of the Deaf  
American Society for Deaf Children  
Association of Late Deafened Adults  
Deaf Women United, Inc.  
Gallaudet University Alumni Association  
Jewish Deaf Congress  
National Association of the Deaf  
National Black Deaf Advocates  
National Fraternal Society of the Deaf  
National Hispanic Council of Deaf and Hard of Hearing People  
Telecommunications for the Deaf, Inc.

#### **Affiliate Members**

Association of College Educators: Deaf and Hard of Hearing  
American Deafness and Rehabilitation Association  
Convention of American Instructors of the Deaf  
The Caption Center  
Conference of Educational Administrators Serving the Deaf, Inc.  
National Captioning Institute  
Registry of Interpreters for the Deaf, Inc.